

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ANITA HUNTER, et al.,

Plaintiffs,

v.

CITIBANK, N.A., et al.,

Defendants.

Case No. 09-cv-02079-JCS

**ORDER VACATING HEARING ON
MOTION FOR INSTRUCTIONS AND
MODIFICATION OF SETTLEMENT
AGREEMENT**

Re: Dkt. No. 629

In 2012, the Court approved a final settlement in this class action. Since that time, according to class counsel, over \$120 million have been collected and distributed pursuant to the settlement agreement. Presently before the Court is a motion seeking: 1) instructions regarding the distribution of settlement funds as to certain claimants (Sam L. Braswell, Steven Schoenfeld and Sandra Stroud, hereinafter “Claimants”) who apparently assigned their claims in a related bankruptcy proceeding to ASM Capital; and 2) modification of the “Boulder Settlement” to reduce the obligation of Roy MacDowell from \$300,000 to \$60,000. *See* Docket No. 629 (“Motion”). The Motion was noticed for hearing on February 12, 2016.

On February 4, 2016, ASM Capital filed a brief in which it asserts that the claims of the Claimants listed above were assigned to ASM Capital and therefore, that payment of their share of the settlement funds should be made directly to ASM Capital. The Claimants have not had an opportunity to respond to ASM Capital’s brief. Accordingly, the Court **vacates the February 12, 2016 hearing** and sets the following schedule: Plaintiff’s counsel shall serve on each of the Claimants a copy of the Motion (Docket No. 629), the brief filed by ASM Capital (Docket No. 637) and this Order, no later than **February 19, 2016**. Any Claimants who wishes to object to the payment of their settlement funds to ASM Capital under the assignments entered with ASM

1 Capital shall file a brief addressing any legal or factual basis for finding that their claims to the
2 settlement funds *were not* assigned to ASM Capital, and any relevant supporting evidence, no later
3 than **March 4, 2016**. As of that date, the Motion will be taken under submission. If the Court
4 determines that a hearing is required to decide the Motion, it will notify the parties and any
5 Claimant who has filed an objection.

6 **IT IS SO ORDERED.**

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8 Dated: February 5, 2016

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10 JOSEPH C. SPERO
11 Chief Magistrate Judge
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